

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHRISTINA M. RODRIGUEZ,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 6:22-cv-00507-MK

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Christina M. Rodriguez brought this action seeking review of the Commissioner's final decision denying her application for disability benefits under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for further proceedings, and entered Judgment on March 8, 2023. Upon remand, the Commissioner found Plaintiff entitled to DIB beginning June 2016.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). The Commissioner neither supports nor opposes counsel's request for attorney's fees. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the

standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$8,200.41 in attorney's fees under 42 U.S.C. § 406(b), representing the difference between the full § 406(b) amount requested (\$24,665.43) and the amount of administrative fees (\$3,069.36) and EAJA fees counsel has already received (\$5,061.91 and \$8,333.75).

In accordance with agency policy, the Commissioner is instructed to make a direct payment of the award of \$8,200.41, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Katherine L. Eitenmiller, at WELLS, MANNING, EITENMILLER & TAYLOR, P.C., from benefits the Social Security Administration has withheld from Plaintiff's past due benefits. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 26th day of August 2024.

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (He / Him)
United States Magistrate Judge

Proposed Order submitted by:
Katherine L. Eitenmiller
WELLS, MANNING, EITENMILLER & TAYLOR, P.C.
474 Willamette Street
Eugene, OR 97401
(541) 686-1969
keitenmiller@wmetattorneys.com
Of Attorneys for Plaintiff